

Remarks

Reconsideration is requested in view of the above amendment and the following remarks. Claim 1 has been amended. The amendment is supported by the original disclosure, for example page 1, lines 11-12; page 7, lines 25-29; and Figures 1B and 2B. No new matter has been added. Claims 1-12 remain pending.

Claim rejections

Claims 1-2 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki (JP 64-084458).

In addition, claim 3 is rejected under 35 USC 103(a) as being unpatentable over Aoki in view of US 5,581,531 to Ito et al.

In addition, claims 4-6 and 11 are rejected under 35 USC 103(a) as being unpatentable over Aoki and Ito et al. in view of US 5,796,683 to Sumi et al.

Applicants respectfully traverse these rejections.

Aoki does not disclose the size of the light spot in the direction perpendicular to the information track in the reproducing operation being smaller than a diffraction limit as recited in claim 1. The Aoki disclosure is silent regarding the relative sizes of the light spot during reproducing and the diffraction limit.

Ito and Sumi likewise do not disclose the size of the light spot in the direction perpendicular to the information track in the reproducing operation being smaller than a diffraction limit as recited in claim 1.

Therefore, claim 1 is patentable over Aoki, Ito and Sumi, individually or in combination.

Claims 2-6, 10 and 11 depend from claim 1 and are patentable along with claim 1 and need not be separately distinguished. Applicants do not concede the correctness of the rejections to claims 2-6, 10, and 11.

The indication that claims 7-9 and 12 recite allowable subject matter is gratefully noted. Applicants believe that the remaining claims are allowable as well.

Conclusion

Favorable reconsideration in the form of a Notice of Allowance is requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

Hamre, Schumann, Mueller & Larson, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
612.455.3800

Date: April 12, 2006

By: 

Douglas P. Mueller
Reg. No.: 30,300
DPM/jal